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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,416	09/21/2001	Robert M. Dombroski	65507	5532

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EXAMINER
CHOI, PETER H

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 September 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 September 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *10/9/01*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-29 are pending in the application.

Priority

2.   Applicant is awarded the priority filing date of September 21, 2000 and the claims

will be examined accordingly.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 1-4, 6, 8-9, 11, 13-15, 17-18, 20-23, 25, and 27-28 are rejected under 35

U.S.C. 102(b) as being anticipated by Smith et al (U.S Patent #5,835,376).

        As per claim 1, Smith et al. teaches a system, operable over the public switched

telephone network (PSTN) and Internet, for use in providing services to a claimant by a

service vendor, as scheduled by a scheduler, and paid for by a payor, the system

comprising:

     (a)   a server **(database server 10)** for processing and storing claimant data

(for storing records indicating requested vehicle services and associated

information) and connected to the Internet **(customers may enter data into database**

server 10 over a telephone connection 15; incoming requests may also be

accepted by various other methods, for example, remote facilities may enter

information over a radio, or satellite, or Internet; computing systems

communicate with database server 10 over a wide-area of Internet network)

[Column 4, lines 45-47, 56-58, Column 7, lines 3-4; Figure 1]; and

     (b)   at least one scheduler workstation for scheduling services for a claimant

(customers 14 may also possess remote data entry terminals at which the

customers may enter data into database server 10 over a telephone connection

15; incoming requests may also be accepted by various other methods, for

example, remote facilities may enter information over a radio, or satellite, or

Internet) [Column 4, lines 45-47, 56-58; Figure 1] and comprising:

     (i)   a scheduler computer connected to the server for entry of claimant

data by the scheduler and display of claimant data to the scheduler **(requests for**

vehicle service may be entered by call takers at the location of the database

server, or may be entered remotely via telephone, either at a data terminal at a

customer site or via touch-tone telephone or at an ATM-like facility using a

customer identification card) [Column 3, lines 4-8]; and

(ii)   a telephone interface connected to the PSTN for communication between the scheduler and at least one of the payor, claimant and service vendor **(call takers 12 receive telephone requests from customers such as customer 13)** [Column 4, lines 50-52];

(c)   the server comprising a quality assurance unit **(monitoring process 28)** for:

(i)   generating requests to the scheduler computer before and after the scheduled service for contacting the claimant **(monitoring process 28 determines whether the vehicle is late for arrival at the pickup site and warns human dispatchers 16 so that the appropriate action can be taken, for example, calling the customer to inform them that the vehicle will be late; process 28 proceeds to step 160 to write a record to the exception file 32 including a reason code indicating that automated dispatching failed because the vehicle was late to the pickup site)** [Column 19, lines 49-67]; and

(ii)   generating requests to the scheduler computer before the scheduled service for contacting the service vendor **(create mobile data terminal message for the vehicle selected to be dispatched for pickup; the mobile data terminal request incorporates much of the data in the dispatch record, including the patient's name and phone number; this information is obtained by referencing a patient information file using the patient ID found in field 28 of the dispatch record)** [Figure 3M-1; Column 17, lines 2-26]

Claim 14 recites similar limitations to those of claim 1(c); therefore, the same rejection applies.

As per claim 2, Smith et al. teaches a system according to claim 1 wherein the services comprise at least one of transportation **(vehicle dispatching)**, and language translation [title, abstract], and wherein the quality assurance unit generates requests to the scheduler computer during the scheduled service to verify the service is being provided **(monitoring process 28 determines whether the vehicle is late for arrival at the pickup site and warns human dispatchers 16 so that the appropriate action can be taken, for example, calling the customer to inform them that the vehicle will be late)** [Column 19, lines 49-67].

Claim 21 recites similar limitations; therefore, the same rejection applies.

As per claim 3, Smith et al. teaches a system according to claim 1 wherein the services comprise at least one of transportation **(vehicle dispatching)**, translation, delivery of durable medical equipment (DME), and delivery of pharmaceuticals [title, abstract].

Claims 15 and 22 recite similar limitations; therefore, the same rejection applies.

As per claim 4, Smith et al. teaches a system according to claim 1 wherein the

server comprises a report generation unit **(monitoring process 28)** for generating at

least one of completed-service **(step 134 to determine if the vehicle has arrived)**,

late-service **(steps 137 and 138 to determine if the vehicle is late)**, canceled-service,

and missed-service reports **(write an exception record to the exception file 32**

identifying the dispatch and including a reason code indicating either that the

vehicle was late or that automated dispatching failed because the vehicle was late

to the pickup site in its status report) on the server **(database server 10 for storing**

records indicating requested vehicle services and associated information) for

access via the Internet **(database server 10 communicates with AVL systems and**

computing systems running processes 24, 26, and 28 over a wide-area or Internet

network) [Column 4, lines 45-47, Column 7, lines 1-4, Column 19, line 49 – Column 20,

line 65; Figure 5].

Smith et al. does not explicitly teach the step of providing payors with access to

reports via the Internet. However, it is inherent that if reports are made available on an

Internet-accessible server, the payor would be able to access said reports, assuming

they are provided with adequate administrative purposes (password authentication,

access to restricted web pages, etc.). It is also inherent that service providers that

generate and transmit electronic invoices to the payor through the Internet can use the

same Electronic Data Interchange methods to transmit other electronic documents

(such as reports); thus, Smith et al. meets the limitations of the claim.

Furthermore, this difference is only found in the non-functional descriptive

material and is not functionally involved in the steps recited nor does it alter the recited

structural elements. The recited method steps would be performed the same

regardless of who is able to access and view the reports. Further, the structural

elements remain the same regardless of who is able to access and view the reports.

Thus, the people able to access and view the reports will not distinguish the claimed

invention from the prior art in terms of patentability, *see In re Gulack, 703 F.2d 1381,*

1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d

1031 (Fed. Cir. 1994); MPEP ♪ 2106.

Claim 23 recites similar limitations; therefore, the same rejection applies.

As per claim 6, Smith et al. teaches a system according to claim 4 wherein the

report generation unit also generates at least one of a transport-type report **(output**

vehicle file 36; Transport Type {Wheelchair/Basic/AdvancedLifeSupport} found on

Dispatch File 30), claimant transport report **(Dispatch File 30)**, claimant employer

transport report **(Contract number found on Dispatch File 30)**, transportation savings

report **(Invoice file 34; Base rate codes, Mileage rate codes, Extra services rate**

codes found on Dispatch File 30), list of claimants report **(Automated Dispatch**

Requests File 44; Patient ID number found on Dispatch File 30), transport by county

(Pickup Location, Pickup Latitude, Pickup Longitude, Destination Location,

Destination Latitude, and Destination Longitude count on Dispatch File 30) and

ICD-9 transport report **(Transport ID Number, Vehicle ID Number on Dispatch File**

30) [Column 7, line 36 – Column 8, line 65, Column 17, lines 9-37; Figure 2, 3].

Claims 13 and 25 recite similar limitations; therefore, the same rejection applies.

As per claim 8, Smith et al. teaches a system according to claim 1 wherein the

server comprises a billing unit for verifying service performed by the service vendor and

for generating bills for the payor **(generating an invoice for the activities performed**

by vehicles 20 upon customer request; invoice files 34 contain detailed

information used to generated invoices of the kind needed) [Column 7, lines 37-40,

Column 9, lines 49-67].

Claims 17 and 27 recite similar limitations; therefore, the same rejection applies.

As per claim 9, Smith et al. teaches a system according to claim 1 wherein the

service comprises transportation and the billing unit verifies mileage of transportation

provided by the service vendor **(automatically deliver, during vehicle dispatch, the**

exact route which will be used by Government or insurance agencies in verifying

the mileage charges accumulated by the vehicle; automatically perform such

verification upon an ambulance service invoice to determine if the mileage

charges on the invoice are within parameters set by a Government or insurance

agency) [Column 18, lines 36-56].

Claims 18 and 28 recite similar limitations; therefore, the same rejection applies.

As per claim 11, Smith et al. teaches a system, operable over the public switched

telephone network (PSTN) and Internet, for use in providing services to a claimant by a

service vendor, as scheduled by a scheduler, and paid for by a payor, the system

comprising:

(a)   a server for processing and storing claimant data and connected to the

Internet [see analysis of claim 1(a) above]; and

(b)   at least one scheduler workstation for scheduling services for a claimant

[see analysis of claim 1(b) above] and comprising:

(i)   a scheduler computer connected to the server for entry of claimant

data by the scheduler and display of claimant data to the scheduler [see analysis of

claim 1(b)(i) above], and

(ii)   a telephone interface connected to the PSTN for communication

between the scheduler and at least one of the payor, claimant and service vendor [see

analysis of claim 1(b)(ii) above];

(c)   the server comprising a report generation unit for generating at least one

of completed-service, late-service, canceled-service and missed-service reports on the

server for the payor to access via the Internet [see analysis of claim 4 above].

As per claim 20, Smith et al. teaches a method, operable over the public switched telephone network (PSTN) and Internet, for use in providing services to a claimant by a service vendor, as scheduled by a scheduler, and paid for by a payor, the system comprising:

(a)   a server for processing and storing claimant data and connected to the Internet [see analysis of claim 1(a) above];

(b)   scheduling services for a claimant via at least one scheduler workstation [see analysis of claim 1(b) above] which comprises:

(i)   a scheduler computer connected to the server for entry of claimant data by the scheduler and display of claimant data to the scheduler [see analysis of claim 1(b)(i) above], and

(ii)   a telephone interface connected to the PSTN for communication between the scheduler and at least one of the payor, claimant and service vendor [see analysis of claim 1(b)(ii) above];

(c)   generating requests to the scheduler computer before and after the scheduled service for contacting the claimant [see analysis of claim 1(c)(i) above]; and

(d)   generating requests to the scheduler computer before the scheduled service for contacting the service vendor [see analysis of claim 1(c)(ii) above].

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 5, 7, 10, 12, 16, 19, 24, 26, and 29 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Smith et al. (U.S Patent #5,835,376).

As per claim 5, Smith et al. teaches a system according to claim 4 wherein the

reports **(invoice record)** are downloadable **(generated and transmitted, leading to**

electronic payment) by the payor on the payor computer **(another alternative is that**

the invoice records might be transmitted to customer sites) [Column 21, lines 21-

30].

Official Notice is taken that it is old and well known in the art that spreadsheets

are used to store numerical data, such as billing information and expenses; thus, it

would have been obvious to one of ordinary skill in the art at the time of invention to

modify the teachings of Smith et al. to include the step of providing downloadable

reports into a spreadsheet document, because the resulting invention would provide

customers with the raw data needed to maintain their expenditure records, and to

perform their own Ad Hoc queries and calculations relating to the expenses incurred.

Smith et al. does not expressly teach the spreadsheet document as recited in

claim 5; however, this difference is only found in the non-functional descriptive material

and is not functionally involved in the steps recited nor does it alter the recited structural

elements. The recited method steps would be performed the same regardless of the

spreadsheet document. Further, the structural elements remain the same regardless of

the spreadsheet document. Thus, the spreadsheet document will not distinguish the

claimed invention from the prior art in terms of patentability, *see In re Gulack, 703 F.2d*

1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32

USPQ2d 1031 (Fed. Cir. 1994); MPEP ə 2106.

Claims 12 and 24 recite similar limitations; therefore, the same rejection applies.

As per claim 7, Smith et al. does not explicitly teach a system according to claim

1 wherein the server comprises a payor secure online ordering unit for permitting the

entry and review of claimant data on the server via the Internet.

Smith et al. does teach the step of generating and transmitting an electronic

invoice for services {via the Internet}, leading to electronic payment, inherently allowing

the payor to use a computer to view the billable charges.

Official Notice is taken that it is old and well known in the computing arts to

provide a security measures for exchanges of sensitive information online. Access to

information can be restricted using a plurality of means that are old and well known in

the art, including password authentication, limiting access to users on the Intranet or

users having proper security clearance, Internet security (HTTPS, SSL) protocols, etc. It

would have been obvious to one of ordinary skill in the art at the time of invention to

modify the teachings of Smith et al. to include a secure online ordering unit because the

resulting combination would prevent unauthorized users from tampering with sensitive

financial information, confidential information (account numbers, etc.).

Claims 16 and 26 recite similar limitations; therefore, the same rejection applies.

As per claim 10, Smith et al. does not explicitly teach a system according to claim

1 wherein the payor is a workers compensation insurer and the claimant is a workers

compensation claimant.

Smith et al. does not expressly teach the identify of the payor or claimant (as a

workers compensation insurer and claimant) as recited in claim 10; however, this

difference is only found in the non-functional descriptive material and is not functionally

involved in the steps recited nor does it alter the recited structural elements. The

recited method steps would be performed the same regardless of the identify of the

payor and claimant. Further, the structural elements remain the same regardless of the

identity of the payor and claimant. Thus, the spreadsheet document will not distinguish

the claimed invention from the prior art in terms of patentability, *see In re Gulack, 703*

F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32

USPQ2d 1031 (Fed. Cir. 1994); MPEP ჳ 2106.

Furthermore, Official Notice is taken that it is common knowledge that users
requiring ambulatory services may have incurred injuries on the job and will file a claim
with their workers compensation insurer for payment of ambulatory services. Therefore,
it would have been obvious to one of ordinary skill in the art at the time of invention to
modify the teachings of Smith et al. to include the step of obtaining the identify of the
payor and claimant, because the resulting combination will enable service providers to
bill the payor and/or claimant according to any payment package that may be a result of
a previously agreed upon arrangement (such as discounted mileage rates, surcharges,
etc.).

Claims 19 and 29 recite similar limitations; therefore, the same rejection applies.

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to
applicant's disclosure.

Ur (U.S Patent #6,615,046) teaches a method for automatically dispatching
mobile services. A connection is established over a cellular network between a client

and one of a plurality of mobile providers of a service. A database is maintained

comprising a plurality of mobile providers of the service. A communication from the

client is received requesting the service, an a suitable provider is automatically selected,

responsive to the communication and to the parameters in the database, including

proximity to the customer.

Gaspard II (U.S Patent #6,240,362) teaches a method of scheduling a vehicle in

real-time to transport freight and passengers. Transportation requests are received over

a communications network from a freight terminal and/or a passenger terminal, which

are interconnected though an Internet Service Provider over a network.

Patel (U.S Patent #5,953,706) teaches a transportation network system which

integrates communications and data transmission requirements for ground

transportation service providers into a single, centrally controlled network.

Communications networks (such as the Internet and the World Wide Web) are used as

the data distribution backbone between the various service providers.

Jones et al. (U.S Patent #6,117,073) teaches an integrated emergency medical

transportation database system. Billing information can be submitted electronically

through a wireless LAN, cellular network, or dedicated or dialup phone line in an

appropriate format which reduces the accounts receivables times for each patient

encounter. A statistical database is used to store and extract statistical information from data entered during patient encounters.

Smith et al. (U.S Patent #6,430,496) teaches a system for controlling vehicles to provide transportation services. A database stores records each documenting needed transportation services.

Sisley et al. (U.S Patent #5,467,268) teaches a system for assigning and scheduling resource requests to resource providers that use a modified "best-first" search technique that combines optimization, artificial intelligence, and constraint-processing to arrive at near-optimal assignment and scheduling solutions.

Vance et al. (U.S Patent #6,442,526) teaches a system for corporate travel planning and management. The system comprises a Travel Planning module, and Travel Expense Reporting module. Travel Expense Reporting module receives trip and card data and expense policy data from the corporate database. The Travel Expense Reporting module also sends expense detail data and summary expense totals to the corporate database. Travelers can request a list of preferred rental car vendors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Choi whose telephone number is (571) 272 6971. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Peter Choi
Examiner
Art Unit 3623

PC

October 28, 2005

Susanna Diaz
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